

Remarks

Priority Document

The Office Action indicates that the priority document has not been received. As the present application is a national stage of an international application, the priority document should have been transmitted from the international bureau to the U.S. PCT branch. Applicants kindly ask the Examiner to request the priority document from the PCT branch.

The help of the Examiner in this matter is greatly appreciated.

Claim Rejections

Claims 1-14 are present in this application and are under consideration.

There are no allowed claims.

Claims 1-9 and 11-13 are rejected under 35 USC 103(a) as being unpatentable over DE3903218 in view of Keller, et al., U.S. Pat. No. 5,574,082, JP62158737 and Fukui, et al., U.S. Pat. No. 5,100,930.

Claims 1-14 are rejected under 35 USC 103(a) as being unpatentable over DE '218 in view of Keller, JP '737 and Fukui and further in view of Tamura, et al., U.S. Pat. No. 6,096,814.

The further reference is cited as disclosing a masterbatch.

Applicants submit herewith a Rule 132 Declaration by Dr. Andreas Thürmer. In the Declaration, Examples 3 and 4 of DE '218 have been repeated in polyethylene and compared to a formulation of the present invention.

As discussed in the Declaration, the results show that the instant synergistic combination according to sample 3 outperforms the stabilizer combinations of the prior art (samples 1 and 2). The total concentration of stabilizer in each sample is the same, 1000 ppm not including the calcium

stearate. The sample of the present invention has superior melt stability and color stability after multiple extrusion passes.

Surprisingly, the instant formulation performs better than the prior art formulations that contain further stabilizers TNPP (tris(nonylphenyl)phosphite) or DTP (di-tridecyl-3,3'-thiodipropionate). These additional compounds are not necessary to provide polyethylene with good melt and color stability. This result is a clear technical advantage and could not be expected from the cited art.

In light of this discussion and the Thürmer Declaration, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Attachment: Declaration under Rule 132 (A. Thürmer)